

**IN THE UNITED STATES COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

3:08-CV-367

HIGH VOLTAGE BEVERAGES, LLC

Plaintiff/Counterclaim Defendant,

vs.

THE COCA-COLA COMPANY

Defendant/Counterclaim Plaintiff.

STIPULATED DISMISSAL WITH PREJUDICE

Following entry of Judgment, Plaintiff/Counterclaim Defendant High Voltage Beverages, LLC (“HVB”) and Defendant/Counterclaim Plaintiff The Coca-Cola Company (“TCCC”) executed a Settlement Agreement resolving all post-trial and appeal issues. The parties therefore jointly stipulate to dismiss any and all remaining issues in the case pursuant to Federal Rule of Civil Procedure 41(a) including, without limitation:

1. TCCC hereby withdraws its Renewed Motion for Judgment as a Matter of Law and a New Trial; and
2. the parties agree that each party shall bear its own fees and costs in connection with this action.

The parties respectfully request that the Court enter an order accordingly. A proposed order is being submitted simultaneously herewith.

Respectfully submitted this 11th day of July, 2011.

s/ James T. Williams, Jr. (w/ permission)

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